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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**HELENA DIVISION**

BENNETT K. MACINTYRE,	)	Cause No. CV-19-42-H-SEH
	)	
Plaintiff,	)	<b>CARROLL COLLEGE'S</b>
	)	<b>MOTION FOR SUMMARY</b>
v.	)	<b>JUDGMENT</b>
	)	
CARROLL COLLEGE,	)	
	)	
Defendant.	)	

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Carroll College moves the Court for summary judgment in accordance with  
Federal Rule of Civil Procedure 56 for five reasons:

- (1) Mr. MacIntyre cannot establish the three prima facie elements of a  
Title IX retaliation claim;

- (2) Carroll College has legitimate, nondiscriminatory reasons for its actions, and Mr. MacIntyre cannot establish those reasons are pretext;
- (3) Mr. MacIntyre has asserted claims in this litigation that he released in his April 13, 2016 Settlement Agreement and Release with Carroll College;
- (4) Mr. MacIntyre's claims which predate June 21, 2016 are barred by the three-year statute of limitations applicable to Title IX retaliation claims; and
- (5) Mr. MacIntyre has no damages related to the speculative future loss of the tuition remission benefit, in another 13 and 16 years respectively, for his minor children, ages 2 and 6 (on September 30, 2020).

For the reasons more particularly set forth in Carroll College's Brief in Support of Summary Judgment and supporting documents, Carroll College respectfully requests the Court grant summary judgment.

Counsel for Carroll College has contacted counsel for Plaintiff. Plaintiff's counsel objects to the motion.

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DATED April 2, 2021.

CROWLEY FLECK PLLP

By: /s/ Marcia Davenport  
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